

REMARKS/ARGUMENTS

Restriction:

The Office Action has divided the claims into one of the following groups under 35 USC § 121 and 372:

Group I: claims 1-12, drawn to mitratapide oral solution.

Group II: claim 13, drawn to a method of making an oral solution.

Election of Species:

The Office Action has required an election of invention under PCT Rule 13.1., with a further election of a single term for the possibilities recited below.

Group I:

a) Term with multiple possibilities: solvent (dimethyl isosorbide, diethylene glycol monoethyl ether, caprylocaproyl macrogol-8 glyceride, etc.) recited by claim 2.

b) Term with multiple possibilities: taste modifying agent (saccharin, aspartame, sucralose, etc) recited by claims 4-7.

c) Term with multiple possibilities: antioxidant (BHA, BHT, propyl gallate, etc.) recited by claims 8-10.

Group II:

a) Term with multiple possibilities: solvent (dimethyl isosorbide, diethylene glycol monoethyl ether, caprylocaproyl macrogol-8 glyceride, etc.) recited by claim 2.

b) Term with multiple possibilities: taste modifying agent (saccharin, aspartame, sucralose, etc) recited by claims 4-7.

c) Term with multiple possibilities: antioxidant (BHA, BHT, propyl gallate, etc.) recited by claims 8-10.

Response to Restriction Requirement

Reconsideration of the captioned application in view of the following remarks is requested. The claims pending and under consideration are claims 1-13. The Applicants respectfully object to and traverse the issuing of the current restriction requirement.

The Applicants respectfully traverse the aforementioned analysis for a number of reasons. First, Groups I and II both cover oral solutions and thus there is necessarily overlapping subject matter. Second, when conducting the search for Group II (e.g., the process for preparing an oral solution) the search will necessarily include the subject matter of Group I (i.e., the oral solution). Thus, the Office can conduct the search for both Groups I and II in an efficient and reasonable manner. Third, the Office Action has failed to express or provide a reason as to why the examination of Group I and Group II would create an undue burden. Accordingly, the Applicants respectfully request that the restriction requirement be withdrawn in the above-referenced matter on the grounds that the examination of Groups I-II can be made without serious burden (MPEP 803).

The Office Action has divided the claims of the present application into Groups I-II. Applicants hereby provisionally elect, with traverse, the subject matter of Group I.

In addition, the Office Action has required election of a species for the solvent, taste modifying agent and antioxidant for purposes of the search. Applicants hereby provisionally elect, with traverse: Solvent : polyethylene glycol 400; Antioxidant : butylated hydroxyanisole; and Taste modifying agent : sucralose.

The selected species are encompassed by claims 1-12.

Please charge any fees, which may be required for this submission to Johnson & Johnson Deposit Account 10-0750/PRD2166USPCT/JKM.

Early favorable action on the merits is respectfully requested, and Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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